

REMARKS

Claims Status

Claims 1-8 and 11-24 are currently pending in this application.

Claims 1, 2, 11, 12, 17, and 18 are in independent form.

Claims 9 and 10 were cancelled previously.

Claims 3, 5, and 7 are in original form.

Independent claims 1, 11, and 17 are allowed, and claims 3-8, 13, 15, and 19-20 are allowed insofar as they depend from one of the allowed independent claims.

Independent claims 2, 12, and 18 are rejected under 35 U.S.C. § 102(e), and claims 3-7, 14, 16, and 20 are rejected insofar as they depend from rejected independent claims.

Claims 5-7, 14, 16, and 20 are rejected under 35 U.S.C. § 103(a).

Claims 4 and 14 are currently amended merely to correct obvious antecedent or typographical errors. No claims are presently canceled, and claims 21-24 are newly added.

Allowed Claims, and Comment on Reasons for Allowance

Applicants note with appreciation the Office Action indication that claims 1, 3-8, 11, 13, 15, 17, and 19-20 have been allowed insofar as they depend from claim 1. Applicants submit, however, that the allowed claims should be allowed for the combinations of features presented therein, and not for any particular feature.

Moreover, the Reasons given for allowing claim 1 indicate that Ohsawa discloses a “second threshold, where if the contrast value is below a pre-determined level, focusing cannot be determined.” (OA, page 11). On the contrary, Ohsawa discloses that “[w]hen the defocusing amount and defocusing direction cannot be calculated because horizontal contrast is absent in the subject, a signal indicating the impossibility of focusing in input to the control circuit 21.” That is, no “value” of horizontal contrast appears to be determined in the Ohsawa device, much less a focus state value, for comparison with a “focus state threshold”. Therefore, the applied prior art references individually or in combination fail to disclose or make obvious a combination of features which includes a “second focus state threshold” such that “the focus state [is] judged to be incompetent to indicate focus if the focus state value is below the second focus state

threshold" (claim 1), as well as "determining focus to be in focus if greater than a first threshold and requiring adjustment if between a first and second threshold" (OA, pages 11-12).

Amendments to the Specification

The specification is amended to correct an obvious typographical error. No new matter is believed to be added by the correction of the error.

Claim Rejections under 35 U.S.C. § 102(e)

The Office Action rejects claims 2-4, 12, 14, 16, and 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,359,650 issued to Murakami (hereinafter "Murakami"). (The Office Action, on page 3, indicates rejection of claim 15 ("14-16"), which is dependent only on allowed claim 1. Moreover, the Office Action Summary and page 11 of the Office Action both indicate allowance of claim 15. Applicants presume, therefore, that the inclusion of claim 15 in the rejection was a typographical error.)

Since no specific arguments are presented for the rejection of **claims 14 and 16** under § 102, it is assumed that the claims are rejected only for their dependence upon claim 2.

Independent claims 2, 12, and 18 recite, in part:

... focus state storage means for storing temporal progress of the focus states of images obtained by the focus state judging means with temporal progress of the focus states; [and]

focus direction judging means for judging a focus direction from the temporal progress of the focus states obtained by the focus state storage means;
....

That is, the focus state storage means stores the focus states in sequential time order. (See Specification, page 12, lines 20-24 regarding "accumulation of the focus states".) Two types of information are thus readily obtainable: 1) focus state, and 2) a time circumstance of the focus state in relation to other stored focus states.

In contrast, Murakami discloses, at col. 7, lines 35-44, monitoring of a focus evaluation value for each of several distance measurement areas for use in a hill-climb type focus adjustment. Hill-climb type focus adjustment, at least as contemplated by Murakami, involves the generation of a peak focus evaluation value for each of a plurality of focus adjustment

positions of a lens. It is not necessary in a hill-climb focus adjustment, and Murakami does not disclose, that a *series* (or “temporal progression”) of focus evaluation values is stored or otherwise used, much less that focus states are stored as a “temporal progress” (i.e., in time sequence). Instead, for each distance measurement area (e.g., A1), Murakami discloses storage only of the *peak* focus evaluation value (e.g., E_{a1}) and corresponding focus lens position (e.g., X_{a1}). (See Col. 7, lines 40-45.) A single peak focus evaluation value is not, of course, a temporal progression of focus values. Moreover, storage of a lens position is not disclosed as providing any information that might reasonably be construed as (or used to calculate) “temporal progress”.

Furthermore, since temporal progress of focus states is not stored, Murakami cannot judge a focus direction “from the temporal progress of the focus states obtained by the focus state storage means”.

Since the applied references fail to disclose every presently recited feature, claims 2, 12, and 18 are believed to be distinct from the applied prior art. Claims 3-4, 14, and 16 depend from claim 2 and are thus believed to be in condition for allowance for at least the same reasons. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects:

- claims 5-6 as unpatentable over Murakami in view of U.S. Patent No. 6,937,284 issued to Singh, et al. (hereinafter “Singh”),
- claim 7 as unpatentable over Murakami in view of U.S. Patent No. 6,545,715 issued to Na (hereinafter “Na”),
- claims 14 and 16 as unpatentable over Murakami in view of Singh and further in view of U.S. Patent No. 5,499,074 issued to Ohsawa, et al. (hereinafter “Ohsawa”), and
- claim 20 as unpatentable over Murakami in view of Singh, Ohsawa, and further in view of U.S. Patent No. 6,570,621 issued to Bigler et al. (hereinafter “Bigler”).

Insofar as claims **5-7, 14, 16, and 20** depend from claim 2, they are believed to be in condition for allowance for at least the same reasons as claim 2, discussed above. Singh, Na, Ohsawa, and Bigler do not, alone or in combination, remedy at least the discussed defects of

Murakami. Applicants respectfully request withdrawal of the rejection and reconsideration of the claims.

New Claims

Claims 21-24 have been added in an effort to more completely recite the invention(s). No new matter has been added, as the features recited in the new claims are supported in the specification.

Conclusion

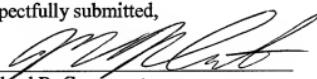
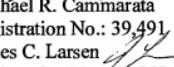
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James C. Larsen Reg. No. 58,565 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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